

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**EASTERN DIVISION**

**U.S.A. vs. George Henry Midgette**

**Docket No. 4:05-CR-110-1D**

**Petition for Action on Supervised Release**

COMES NOW Dennis E. Albertson, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of George Henry Midgette, who, upon an earlier plea of guilty to Possession of a Firearm by Felon, in violation of 18 U.S.C. § 922 (g)(1), was sentenced by the Honorable James C. Dever III, U.S. District Judge, on September 11, 2006, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

George Henry Midgette was released from custody on May 19, 2010, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** Midgette was placed in the surprise urinalysis program and referred for a substance abuse assessment and treatment on June 1, 2010. The offender completed 10 sessions of outpatient group counseling as prescribed and had been submitting negative urine screens until a specimen submitted on October 18, 2010, tested positive for cocaine and marijuana. Midgette denies he used the illicit substances; however, admits being in the presence of others who were using and is willing to accept responsibility for same. Consequently, it is recommended supervision be modified to include Midgette's participation in the DROPS program and an immediate two day jail placement as a sanction for the aforementioned violation conduct.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a term of two days as arranged by the probation office and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.


Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dennis E. Albertson  
Dennis E. Albertson  
Senior U.S. Probation Officer  
413 Middle Street, Room 302  
New Bern, NC 28560-4930  
Phone: (252) 638-4944  
Executed On: October 27, 2010

**ORDER OF COURT**

Considered and ordered this 1 day of November, 2010, and ordered filed and made a part of the records in the above case.

  
James C. Dever III  
U.S. District Judge